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**JUN 16 2003**

**OFFICE OF PETITIONS**

In re Application of :  
David Harriman :  
Application No. 10/041,028 : **ON PETITION**  
Filed: December 28, 2001 :  
Attorney Docket No. 42390.P13765 :

This is a decision on the petition to revive under 37 CFR 1.137(f), filed May 20, 2003, which is being treated as a petition under 37 CFR 1.137(b).

The petition is **DISMISSED AS MOOT**.

The above-identified application was filed on December 28, 2001 with a nonpublication request and certification under 35 U.S.C. 122(b)(2)(B)(i). On February 26, 2002, applicant filed a Request to Rescind Previous Nonpublication Request.

With the instant petition, applicant states that the application was foreign filed on December 5, 2002.

As the Request to Rescind Previous Nonpublication Request was filed before the foreign filing, the application will be treated as if the nonpublication request was never made.<sup>1</sup>

The petition fee of \$1,300 has been refunded to Deposit Account No. 02-2666.

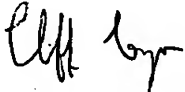
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<sup>1</sup> See "Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. 122(b)(2)(B)(ii)-(iv)", available at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/35usc122b2binterpret.htm>.

As requested, the Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i) has been rescinded. A corrected filing receipt indicating a projected publication date of July 3, 2003 accompanies this decision.

The application file is being forwarded to Technology Center 2100 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0272.



Cliff Congo  
Petitions Attorney  
Office of Petitions

Enc: corrected filing receipt (2 pages)